REMARKS/ARGUMENTS

Applicants respond herein to the Office Action dated July 28, 2005.

Applicant's attorneys appreciate the Examiner's thorough search and examination of the present patent application.

Claims 1-53 are pending in this application. Claims 1-8, 12, 13, 17-19, 21, 23-40, and 48-53 were rejected; claims 9-11, 14-16, 20 and 22 were objected to; and claims 41-47 were withdrawn subject to the restriction/election requirement. The drawings and the specification were objected to.

In response to the Examiner's objection, a substitute Abstract is enclosed herewith.

Drawings Objections

The Examiner objected to the drawings. In response, Figures A1-A5 were deleted and substitute drawing Figures 1-11 are enclosed herewith. Pages 8, 9, 13, and 18 of the specification were amended to replace references to Figures A1, A2, and A3 with references to Figures 3, 4, and 5 respectively. Pages 14 and 16 were amended to replace references to Figure A4 with references to Table 1, and pages 16 and 17 were amended to replace references to Figure A5 with references to Table 2. Pages 34, 35 and 36 were amended to add references numerals found in Figures 1 and 2. A narration of flowcharts of Figures 6-11 is also added at page 67. No new subject matter was added.

Objects 18 and 19 from Figure 3 are referenced in on page 15, lines 22-30 of the specification as "content injectors 18 or 19". Figures 1 and 2 are described in the "Targeted Content Presentation" section starting with page 33, line 28.

Claim Objections

Claims 9-11, 14-16, 20 and 22 were objected to as being in improper form. Claims 1 and 14 were objected to for using wrong words. Claim 53 was objected to for lacking antecedent basis. All claims were amended to correct the improper form and other informalities.

35 U.S.C. §112

Claims 48 and 49 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Additionally, claims 1-40 and 48-53 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1-40 and 48-53 were

amended to correct the indefiniteness and all informalities pointed out by the Examiner.

With regard to "determining which versions of the content the receiver is permitted to access", a paragraph on page 10, lines 11-22, in part reads: "the management system 31 may communicate with the RCAS 50 to determine if access is allowed or to obtain access through purchasing or other mechanisms".

With regard to "determining if permission is available to use storage accessible to the receiver with characteristics", access permissions are techniques commonly used in the art. File, disk, or tape read/write/access control permissions are available on all computer and video equipment systems. These concepts and ways to achieve them will be readily understood by those skilled in the art.

35 U.S.C. §102(e)

Claims 1, 3-8, 12-13, 17-19, 21, 23-37, 39-40, 50 and 52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,332,127 to Bandera et al. (Bandera).

Independent claim 1 is directed to a "method of informing a receiver connected to one or more broadcast networks of a content targeting opportunity and in response, the receiver selecting and displaying a version of content from a plurality of versions of content". Claim 1 recites "receiving and decrypting characteristics of the viewer, a selection of content, and viewing opportunities". The received characteristics are used by the claimed receiver to ascertain viewer's interests and determine and insert the determined version of content into the viewing stream during a viewing opportunity.

The claimed invention allows for selection of advertisements in accordance with the viewer's interests, i.e., an advertisement for a Ford Windstar and not for Ford Focus is displayed. The selection or determination of which advertisement to display is based on the viewer characteristics, which may indicate that the viewer, for example, has a family with small children. Thereby, different viewers, even within the same household will be seeing different advertisements while watching the same television program. This is explained on page 12, lines 25-30:

> "When the opportunity for content targeting is presented, appropriate content is selected to exploit the opportunity. In this way, the content the user receives can be specifically tailored to the user, without the tailoring and selection process necessarily being apparent to the user. While user input is not required, data and preferences entered or selected by the user can be incorporated in the process."

The "opportunity" for determination and substitution of the versions of content is triggered in response to an act of execution of a function on the receiver, e.g., a set-top box or a video recorder with the set-top box functionality. Some of these functions are recited in claim 17. These functions include adjusting volume, channel changes, pausing play, switching the receiver on/off, etc. The opportunity matching process recited in claim 1 includes the targeting functionality for determining which advertisement is to be presented when the "opportunity" occurs. The content matching process recited in claim 2 includes the functionality for selecting an alternative advertisement to replace that being streamed in the broadcast content. The term "opportunity" is further explained starting at on page 16, line 1 and with reference to Table 2 starting on page 43, line 28 of the present application.

Bandera does not teach any of the elements of the claimed invention. Bandera is directed to providing time and location specific advertising via the Internet. Bandera is based on the client-server technology. A fundamental difference between the invention and the prior art lies in that Bandera deals with targeted advertising solution for the Internet WebPages.

Contrarily, the present claimed invention provides a targeted advertising solution over a broadcast television network. In a broadcast environment, requests for targeting functions occur simultaneously. Because millions of people are watching the same program at exactly the same time, e.g., the nationally broadcast Super Bowl. This is not possible in Bandera, where the servers will be instantly overloaded if requested to perform a large number of simultaneous operation.

The claimed receiver, located in the viewer's home, receives and maintains or stores all the data it needs to make a selection of a version of content when an opportunity triggers the content targeting. In the Internet environment, all the data necessary to make a decision resides remotely on the network server. That data is not accessed until a triggering request is entered by the client into a local computer and then, in an additional step not present in the claimed invention, sent from the client's computer to the server.

Furthermore, for the same reasons as above, namely because of the differences between the client-server and broadcast technologies, Bandera does not use or teach the concept of "a viewing opportunity". It fulfills all advertisement selections and displays in response to a direct request. Therefore, the Examiner's assumption that the selection at col. 7, lines 32-39 of

Bandera's specification teaches "an appropriate opportunity" is incorrect.

Thus, Bandera does not teach or describe all claimed elements of amended independent claim 1.

35 U.S.C. §103(a)

Claims 2, 38, 48, 51 and 53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandera in view of U.S. Patent No. 6,237,786 to Ginter et al. (Ginter). Furthermore, claims 49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandera in view of Ginter and further in view of U.S. Patent No. 6,678,463 to Pierre et al. (Pierre) and in light of a Windows NT publication.

Ginter, Pierre, Windows NT publication, and their combination are not directed to the broadcast technology based invention and therefore do not cure the deficiency of Bandera discussed above.

Thus, Applicants' independent claims 1 and 48-53 are patentably distinct from Bandera, Ginter, Pierre, Windows NT publication, or their combination. Claims 2-40 depend directly or indirectly from above discussed independent claim 1 and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in independent claim 1.

The application is believed to be in condition for allowance. Early and favorable consideration of the present application is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 30, 2006:

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Name of Person Mailing Correspondence

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Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

The first five drawing sheets which contained Figures A1-A5 have been deleted.

The remaining eleven sheets of drawings, which contained Figures 1-3 and 6-11, have been amended. Enclosed are eleven Replacement Sheets of drawings containing Figures 1-11 which replace the original sheets.